

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1194 be amended to read as follows:

- 1           Page 4, line 19, delete "died or where the near fatality" and insert
- 2           **"died;"**.
- 3           Page 4, delete line 20.
- 4           Page 10, line 35, delete "subsection (b)," and insert **"section 1.5 of**
- 5           **this chapter,"**.
- 6           Page 11, line 1, delete "subsection (c)," and insert **"section 1.5 of**
- 7           **this chapter,"**.
- 8           Page 11, line 10, delete "not".
- 9           Page 11, line 10, delete "shall" and insert **"may not"**.
- 10          Page 11, line 10, after "disclosed" insert **"."**.
- 11          Page 11, delete lines 11 through 36, begin a new paragraph and
- 12          insert:
- 13          "SECTION 18. IC 31-33-18-1.5 IS ADDED TO THE INDIANA
- 14          CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 15          JULY 1, 2004]: **Sec. 1.5. (a) This section applies to records held by:**
- 16               **(1) the division of family and children;**
- 17               **(2) a county office of family and children;**
- 18               **(3) a local child protection service;**
- 19               **(4) a local child fatality review team established under**
- 20               **IC 12-13-15; or**
- 21               **(5) the statewide child fatality review committee established**
- 22               **under IC 12-13-15.1-6;**
- 23          **regarding the death of a child determined to be a result of abuse,**
- 24          **abandonment, or neglect.**
- 25          **(b) As used in this section, "identifying information" means**
- 26          **information that identifies an individual, including an individual's:**
- 27               **(1) name, address, date of birth, occupation, place of**
- 28               **employment, employer identification number, mother's**
- 29               **maiden name, Social Security number, or any identification**

1           number issued by a governmental entity;  
2           (2) unique biometric data, including the individual's  
3           fingerprint, voice print, or retina or iris image;  
4           (3) unique electronic identification number, address, or  
5           routing code;  
6           (4) telecommunication identifying information; or  
7           (5) telecommunication access device, including a card, a  
8           plate, a code, a telephone number, an account number, a  
9           personal identification number, an electronic serial number,  
10          a mobile identification number, or another  
11          telecommunications service or device or means of account  
12          access.

13          (c) Unless information in a record is otherwise confidential  
14          under state or federal law, a record described in subsection (a)  
15          that has been redacted in accordance with this section is not  
16          confidential and may be disclosed to any person who requests the  
17          record. The person requesting the record may be required to pay  
18          the reasonable expenses of redacting and copying the record.

19          (d) When a person requests a record described in subsection  
20          (a), the entity having control of the record shall immediately  
21          transmit a copy of the record to the court exercising juvenile  
22          jurisdiction in the county in which the death of the child occurred.  
23          However, if the court requests that the entity having control of a  
24          record transmit the original record, the entity shall transmit the  
25          original record.

26          (e) Upon receipt of the record described in subsection (a), the  
27          court shall, within thirty (30) days, redact the record to exclude  
28          identifying information of a person or other information not  
29          relevant to establishing the facts and circumstances leading to the  
30          death of the child. However, the court shall not redact the record  
31          to exclude information that relates to an employee of the division  
32          of family and children, an employee of a county office of family  
33          and children, or an employee of a local child protection service.

34          (f) The court shall disclose the record redacted in accordance  
35          with subsection (e) to any person who requests the record, if the  
36          person has paid:

37               (1) to the entity having control of the record, the reasonable  
38               expenses of copying under IC 5-14-3-8; and  
39               (2) to the court, the reasonable expenses of copying and  
40               redacting the record.

41          (g) The court's determination under subsection (e) that certain  
42          identifying information or other information is not relevant to  
43          establishing the facts and circumstances leading to the death of a  
44          child is not admissible in a criminal proceeding or civil action."

- 1       Page 11, line 39, after "chapter" insert "**and the unredacted reports**
- 2       **and other material described in section 1(b) of this chapter**".
- 3       Page 12, line 31, after "court," insert "**for redaction of the record**
- 4       **in accordance with section 1.5 of this chapter, or**".
- 5       Page 12, line 33, after "However," insert "**except for disclosure of**
- 6       **a redacted record in accordance with section 1.5 of this chapter,**".
- 7       Page 21, line 41, after "placed" delete "under section".
- 8       Renumber all SECTIONS consecutively.  
(Reference is to EHB 1194 as printed February 20, 2004.)

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Senator DILLON